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APHC010419232024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE 21st DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 21343 OF 2024

Between:

1. R.M.Babji, S/o. S.Manivelan, Aged about 41 years, Occ: Resurvey Deputy Tahsildar O/o. Tahsildar, Valmikipuram Annamayya District.

...Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary Revenue Department, Secretariat Velagapudi, Guntur District.

2. The Chief Commissioner of Land Administration, APIIC IT Park, Autonagar Mangalagiri, Guntur District.

3. The District Collector, Chittoor District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ declaring the action on the part of the respondents in not considering the claim of the petitioner for regularization of services in the cadre of Typist from 21.08.2008 and rejecting the same through the proceedings ROC.ADMIN3/421893/2022.

dated 13.10.2022 of the 3rdrespondent as illegal, arbitrary and contrary to the rules and the instructions issued by the Government from time to time and being violative of Article 14 and 16 of the Constitution of India and set aside the same with a direction to the respondents to regularize the services of the petitioner in the initial category of Typist w.e.f., 21.08.2008 instead of 26.10.2010 by taking into consideration the G.O.Ms.No.69, G.A(Ser.B) Department, dated 24.07.2023 and the orders of this Hon'ble Court in WP.No.17966 of 2020, dated 16.04.2021 for the purpose of granting notional date of promotion and revision of seniority in the promotional category posts of Senior Assistant and Deputy Tahsildar and to pass such other order or orders as this Hon’ble Court may deems fit and proper in the circucmstances of the case.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider the claim of the petitioner for regularization of services in the cadre of Typist w.e.f. 21.08.2008 by taking into consideration the G.O.Ms.No.69, G.A (Ser.B) Department, dated 24.07.2023 and the orders of this Hon’ble Court in WP.No.17966 of 2020, dated 16.04.2021, pending disposal of the Writ Petition

Counsel for the Petitioner: V MAHESWAR REDDY

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 21343/2024

ORDER:

The Writ Petition is filed seeking the following relief:

> *"pleased to issue a Writ of Mandamus or any other appropriate Writ declaring the action on the part of the respondents in not considering the claim of the petitioner for regularization of services in the cadre of Typist from 21.08.2008 and rejecting the same through the proceedings ROC.ADMIN3/421893/2022, dated 13.10.2022 of the 3rd respondent as illegal, arbitrary and contrary to the rules and the instructions issued by the Government from time to time and being violative of Article 14 and 16 of the Constitution of India and set aside the same with a direction to the respondents to regularize the services of the petitioner in the initial category of Typist w.e.f. 21.08.2008 instead of 26.10.2010 by taking into consideration the G.O.Ms.No.69, G.A(Ser.B) Department, dated 24.07.2023 and the orders of this Hon'ble Court in WP.No.17966 of 2020, dated 16.04.2021 for the purpose of granting notional date of promotion and revision of seniority in the promotional category posts of Senior Assistant and Deputy Tahsildar"*

2. The petitioner was appointed as Typist on compassionate grounds on 21.08.2008 *vide* proceedings No.Roc.A7/8959/2007, dated 06.08.2008, issued by the 3rd respondent. At the time of his appointment, petitioner possessed the qualification of M.Sc. (Chemistry) from S.V. University, Tirupati, PGDCA from the International Institute of Computer Technology, and the technical qualification of Typewriting in English Higher Grade. The 3rd respondent appointed petitioner as Typist subject to the condition that he should acquire the qualification of Typewriting in Telugu Higher Grade within two years from the date of his appointment. In compliance with the said condition, petitioner acquired the qualification of Typewriting in Telugu Higher Grade within the stipulated period. Government issued G.O.Ms.No.60, General Administration (Services-A) Department, dated

11.02.1997, stipulating that candidates appointed conditionally for acquiring the requisite qualification and who acquired the same within the stipulated time would have their services regularized from the date of their initial appointment. Subsequently, Government altered the said position by stipulating that probation would commence from the date of acquiring the requisite qualification fully, *vide* G.O.Ms.No.151, dated 12.06.2004. Thereafter, the Government issued G.O.Ms.No.69, dated 24.07.2023, dispensing with the requirement of Typewriting examinations in both English and Telugu and prescribing a pass in the Computer Proficiency Test within two years from the date of issuance of the said G.O. It was further clarified that candidates appointed on compassionate grounds who passed the Computer Proficiency Test within two years from the date of the said G.O. would have their services regularized from the date of their initial appointment and their probation declared in relaxation of G.O.Ms.No.151, dated 22.06.2004. Petitioner had earlier filed W.P.No.20733 of 2022 seeking a direction to the respondents to regularize his services in the cadre of Typist with effect from 26.03.2010, in the context of G.O.Ms.No.116, dated 29.08.2008. This Court, *vide* order dated 15.07.2022, disposed of the said Writ Petition with a direction to the respondents to consider petitioner's representation and pass appropriate orders in accordance with law. However, the 3rd respondent, without examining the matter in its proper legal perspective, rejected petitioner's claim *vide* proceedings

Roc.ADMIN/421893/2022, dated 13.10.2022. Aggrieved by the same, the present Writ Petition has been filed.

3. Respondents filed counter contending that petitioner was appointed as Typist on compassionate grounds pursuant to his request and on availability of a vacancy, subject to the condition of acquiring Telugu Typewriting Higher Grade within two years from the date of joining. Petitioner acquired the requisite qualification and, accordingly, his services were regularized in the cadre of Typist with effect from 26.03.2010, i.e., the date of acquiring the said qualification, in terms of G.O.Ms.No.151, General Administration (Services-A) Department, dated 22.06.2004. Though G.O.Ms.No.60, dated 11.02.1997, initially provided for regularization from the date of initial appointment upon acquisition of the requisite qualification within the stipulated period, the said provision was subsequently amended by G.O.Ms.No.151, dated 12.06.2004, providing for regularization from the date of acquiring the qualification. The respondents further submit that, pursuant to the directions of this Court in W.P.No.20733 of 2022, petitioner's representations were considered and his claim for regularization from the date of initial appointment was rejected by proceedings dated 13.10.2022. It is further contended that G.O.Ms.No.69, General Administration (Services-B) Department, dated 24.07.2023, dispensed with the Typewriting qualification and prescribed passing of the Computer Proficiency Test within two years, and provided for regularization from the date of initial appointment in respect of eligible compassionate appointees who passed the said test within the

stipulated period. However, the Government, *vide* Memo No.REV01-LANAOMISC/807/2023-SER-II, dated 20.02.2024, clarified that G.O.Ms.No.69 would have prospective effect from 24.07.2023. It is therefore contended that petitioner cannot claim the benefit of G.O.Ms.No.69 for regularization from 21.08.2008 and that the rejection proceedings dated 13.10.2022 were issued in accordance with the rules and Government instructions applicable to his case.

4. Heard Mr.V.Maheswar Reddy, learned counsel for the petitioner, and Mr.K.Varun Shyam Kumar, learned Assistant Government Pleader for Services-I, appearing for the respondents.

5. Learned counsel for the petitioner submits that petitioner was appointed on compassionate grounds on 21.08.2008. While appointing the petitioner on compassionate grounds, a condition was imposed to acquire the qualification of Telugu Typewriting Higher within a period of two years. Pursuant to which, petitioner had acquired qualification on 26.03.2010. Petitioner's services were regularized from 26.03.2010 on acquisition of qualification, without taking into account the date of commencement of probation i.e., 21.08.2008.

6. Learned counsel for petitioner submits that the proceedings impugned in the Writ Petition dated 13.10.2022, representation submitted by the petitioner dated 05.08.2022 was rejected to consider his case for regularization with effect from 21.08.2008. For appointment to the post of Typist, basic qualification of the individual had to be considered. However,

G.O.Ms.No.60, General Administration (Services-A) Department, dated 11.02.1997, particularly paragraph 5 thereof, which provides that candidates appointed under the scheme of compassionate appointment to the dependents of deceased Government Employees with a condition to acquire the minimum educational/typewriting qualification, prescribed for the post to which they are appointed within the prescribed periods, shall be temporary to start with and their services shall be regularized duly placing them on probation from the date of their initial appointment, if they acquire requisite education/typewriting qualification prescribed for the post, to which they are appointed within the prescribed periods shall be temporary to start with and their services shall be regularized duly placing them on probation from the date of their initial appointment. However, the said G.O. was subsequently amended by G.O.Ms.No.151, General Administration (Services-G) Department, dated 22.06.2004, whereby the words "*from the date of initial appointment*" were replaced with "*from the date of acquiring such qualification fully*". Basing on which, the case of the petitioner was regularized with effect from 26.03.2010, on which date, petitioner acquired qualification.

7. Learned counsel for petitioner has drawn the attention of this Court to Rule 6 of the Andhra Pradesh Ministerial Service Rules, 1998, wherein for the post of Typist, the qualification prescribed is Telugu Typewriting. The note of the said prescription of the said qualification under Annexure-I is "*If sufficient number of candidates with Telugu Type writing qualifications are not available for appointment by direct recruitment as*

Typists candidates with English Type writing qualification may be appointed subject to the condition that he/she should acquire the Telugu Type writing qualification within the period of probation on pain of postponement of increment without cumulative effect". As the petitioner possessed the qualification of Typewriting English, the respondents ought to have considered the case of the petitioner for regularization with effect from 21.08.2008. However, the petitioner's case was considered pursuant to G.O.Ms.No.151, dated 22.06.2004, and his services were regularized with effect from 26.03.2010.

8. Learned counsel for the petitioner also places reliance on the judgment of a Coordinate Bench of this Court in Writ Petition No.17966 of 2020, wherein it was held that "*as the petitioner possessed a P.G. degree in Master of Computer Applications and the respondents are directed to regularize the services of the petitioner in the cadre of Typist with effect from her date of joining with all consequential benefits, according to her eligibility, without insisting for passing of technical qualifications of typewriting higher grade both in English and Telugu*". As on the date of consideration, the qualification of typewriting was dispensed with. Learned Single Judge also places reliance on the judgment of a Division Bench of this Court dealing with the issue of G.O.Ms.No.116, General Administration (Services-B) Department, dated 29.02.2008, whereby relaxation was granted to Rule 23 of the Andhra Pradesh Ministerial Service Rules, 1966, in favour of Junior Stenographers, who were appointed between 05.03.1987 and 14.07.1998 as to the

requirement of passing Typewriting Higher grade in Telugu and Shorthand by exercising the powers conferred under Rule 31 of the Andhra Pradesh State and Subordinate Service Rules, 1996. At paragraphs 6, 8 and 9, it was held as follows:

> *"6. The impugned show cause notice issued to the petitioner on 22.10.2019, reads as follows:*
>
> > *"Smt. Suguna, was appointed as Typist on compassionate grounds w.e.f.18.08.2016 vide reference 1st cited above and working at Zilla Parishad, Kakinada. As on today, she is not acquired Technical qualifications of Telugu and English Higher to hold the post of Typist in terms of orders issued vide ref. 2nd cited above. Therefore, why she should not be reappointed as office subordinate and directed to submit explanation if any within a period of three days due to non-acquiring of technical qualifications stipulated period."*
>
> *8. As seen from G.O.Ms.No.116, GAD dated 29.02.2008, relaxation has been given to Rue 23 of the A.P. Ministerial Service Rules, 1966 in favour of Junior Stenographers, who were appointed between 05.03.1987 and 14.07.1998 as to the requirement of passing Typewriting Higher grade in Telugu and Shorthand by exercising the powers conferred under Rule 31 of the A.P. State & Subordinate Service Rules, 1996. G.O.Ms.No.68 Finance (ADMN.III) Department dated 11.03.2010, which was issued as one time relaxation from acquiring the Typewriting English Higher grade in respect of Junior Accountants appointed on compassionate grounds conditionally, wherein, it is observed as follows:*
>
> > *"9. Government, after careful examination of the matter, noticed that due to lack of Typewriting institutions the matter, noticed that due to lack of Typewriting institutions the candidates who were appointed on compassionate grounds are not able to get themselves qualified with the typewriting English Higher Grade and also by attending the classes out of the office hours in addition to attending to their family problems as a result of which they continue to be as a temporary employees without regularizing their services, though their juniors have been regularized.*

10. Government have also noticed that there is a striking anomalous position with regard to regularization of the services of Junior Accountant in the A.P. Treasury & Accounts Department. Prior to 26.10.2007, the Junior Accountants had to acquire a higher grade typewriting in English and on 27.10.2007this qualification was changed and the individuals were required to qualify the certificate course in computers as prescribed in G.O. read above. As the Institutions imparting such computer courses are available only at District Headquarters and the employees appointed on compassionate grounds were facing great difficulty to acquire such qualifications by sparing out of office hours which is at a very long distance from their work place. Also noticed that the certificate courses in computers prescribed in G.O. 6th read above is on high side and it will not relevant to the day to day administration of the Treasury personnel. Hence, it has been decided to grant one time exemption from acquiring Typewriting English Higher Grade/certificate course in computers courses in respect of Junior Accountants appointed on compassionate grounds in T & A Service and working as on 27.10.2007.

11. Now, therefore, in exercise of the powers conferred under rule 31 of the A.P. State & Subordinate Service Rules, 1996, the Governor of Andhra Pradesh hereby relax as one time measure from passing Typewriting English Higher Grade/Certificate courses in computers to the Junior Accountants appointed on compassionate grounds in T & A Service and working as on 27.10.2007 but could not acquire the said qualifications in relaxation of Rule 6 of A.P. Treasury (Sub) Service Rules, issued in G.O. 1st, 2nd and 6th read above, in favour of the 46 individuals shown in the Annexure to this order."

9. As seen from the order in OA No.1856 of 2017 dated 06.11.2017, the applicant therein was given a similar notice as is given to the petitioner herein asking to give her willingness to take the lower post and the said notice was challenged in the said OA. The said OA was allowed setting aside the notice and the respondents therein were directed to take into consideration the fact that the applicant therein possessed P.G. Diploma in Computer Applications and to consider relaxation of the

qualification. Challenging the said order dated 06.11.2017 of the Tribunal, the Government filed WP No.11321 of 2019. Contention of the Government in the said writ petition was that the said notice was issued, in conformity with the orders passed by the State Government vide G.O.Ms.No.969, G A (Ser.A) Department dated 27.10.1995 and that the Tribunal is not justified in setting aside the notice therein, which was issued to the applicant, as such a condition was incorporated at the time of appointment of the applicant itself. The Division Bench of this Court dismissed the said writ petition filed by the government, observing as follows:

> *"It is pertinent to note that the State Government granted relaxation in favour of certain class of employees, vide G.O.Ms.No.116, GA (Ser.) Department, dated 29.02.2008, having noticed the non existence of typewriting training institutions. It is also not in controversy that in 2010 also the government granted relaxation from acquiring typewriting qualification in respect of Treasury Department. The Tribunal also noted about the non-existence of typewriting training institutions and the usage of computers in all the offices. The reality remains that, apart from the degree qualification in computers, the applicant possesses PGDCA also. It is not the case of the respondents herein that the applicant has not discharged her duties properly due to the lack of typewriting higher grade qualification.*
>
> *A perusal of the order passed by the Tribunal, in clear and vivid terms, discloses that the Tribunal, after elaborately and meticulously considering various issues, including the relaxation given by the State Government, by way of the above referred governmental orders, and also the present situation, with regard to the non-usage of type machines and the usage of computers, came to the conclusion that the very insistence of the respondent authorities cannot be sustained.*
>
> *It is settled and well established principle of law that a writ in the nature of a writ of certiorari cannot be issued, under Article 226 of the Constitution of India, unless the impugned action suffers from jurisdictional error and patent perversity. In the considered opinion of this Court, the said contingencies are conspicuously absent in the case on hand."*

9. Learned Assistant Government Pleader for Services-I, appearing for the respondents, submits that the said aspect was also clarified by the Government, stating that G.O.Ms.No.69, dated 24.07.2023 would have prospective effect. As such, petitioner is not entitled to consider under G.O.Ms.No.69, whereby relaxation was granted for Telugu Typewriting, in view of replacement of typewriters with computers and to those persons, who have passed Computer Proficiency Test within two years from the date of issuance of the orders, as such, the petitioner's services were regularized as per the rules in force as on the date of his appointment as well as regularization. Now, the petitioner cannot turn around and say that the petitioner's services ought to have been regularized from the date of his initial appointment and requested to dismiss the Writ Petition.

10. As stated supra, petitioner was appointed on 21.08.2008 on compassionate grounds and his services were regularized on 26.03.2010. Petitioner kept quite all the period till issuance of G.O.Ms.No.69, General Administration (Services-B) Department, dated 24.07.2023, whereby the condition imposed in G.O.Ms.No.151, dated 22.06.2004, that services ought to be regularized on the date of acquisition of the qualification has been relaxed. As the said rule as well as amendment is contrary to the statutory rules called the Andhra Pradesh Ministerial Service Rules, 1998, the same cannot override the statutory rules.

11. A Division Bench of this Court, in Writ Petition No.11321 of 2019, while accepting the findings relied by the Administrative Tribunal, held that, as

non-usage of type machines and the usage of computers and the non-availability of typewriting institutions to acquire the said qualification, had upheld the decision of the Tribunal and dismissed the Writ Petition.

12. In the instant case, during his appointment in the year 2008, a condition was imposed for which the petitioner had accepted and accordingly he joined into service and acquired qualification and got regularized his post with effect from the date of acquisition of qualification. Now after a lapse of more than twelve years, he came up with a plea that he is entitled for regularization with effect from his initial appointment. G.O.Ms.No.151 is not a statutory G.O., but only an executive instruction to the previous executive instructions issued under G.O.Ms.No.60, dated 11.02.1997. The order impugned in the Writ Petition was passed by the respondents pursuant to the representation made by the petitioner on 05.08.2022, seeking to regularization of his services with effect from his initial date of appointment.

13. Considering the submissions made and after perusing the record, this Court finds that G.O.Ms.No.151, dated 22.06.2004, amended G.O.Ms.No.60, dated 11.02.1997, by prescribing that regularization shall be from the date of acquisition of requisite qualification. Though both are executive orders are only in the name of exemptions to the relevant rules, through which petitioner was appointed to the service on compassionate grounds. As the petitioner was not qualified to the post offered to him, a condition was imposed in terms of G.O.Ms.No.60, dated 11.02.1997. In compliance with the same, the petitioner had acquired the qualification and

accordingly, his services were regularized with effect from 26.03.2010. Now, the petitioner cannot agitate the same and seek regularization with effect from his initial appointment, after long lapse of more than twelve years, as the settled seniority cannot be unsettled, which may have cascading effect on the settled seniority of several others.

14. In view of the above findings, there is no merit in the Writ Petition.

15. Accordingly, Writ Petition is ***dismissed***. There shall be no order as to costs.

Interim orders, if any, granted earlier shall stand vacated, and all pending miscellaneous petitions, if any, shall stand closed.

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JUSTICE BALAJI MEDAMALLI

Date: 21.09.2026
BMS / SAK

Whether the order is:

Speaking	☑	Reasoned	☑
Reportable		Non-reportable	☑

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 21343/2024

Date: 21.09.2026

SAK